

STATE OF NEW HAMPSHIRE
WATER COUNCIL

Docket No. 03-10 WC

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Appeal of the Conservation Law Foundation JUL 18 2005
In re: Water Quality Certificate No. 2003-001

DEPARTMENT OF ENVIRONMENTAL SERVICES
WITNESS AND EXHIBIT LIST

NOW COMES the New Hampshire Department of Environmental Services
("Environmental Services" or "DES"), by and through counsel, the Office of the Attorney
General, and pursuant to the Council's June 15, 2005 scheduling order submits the
following witness and exhibit list:

WITNESSES

1. Paul Currier, Administrator, Watershed Management Bureau, DES
2. Gregg Comstock, Watershed Management Bureau, DES
3. Paul Piszczek, Watershed Management Bureau, DES

The State also reserves the right to examine and cross-examine any witnesses listed on
Respondent's or Intervenors' witness lists.

EXHIBITS

1. Falls Way Subdivision Individual Permit Application to U.S. Army Corps
of Engineers, March 2003 (Volume I).
2. Falls Way Subdivision Individual Permit Application to U.S. Army Corps
of Engineers, March 2003 (Volume II).
3. Application to DES Watershed Management Bureau for Water Quality
Certificate, April 29, 2003.
4. Letter from Conservation Law Foundation ("CLF") to Paul Piszczek,
June 20, 2003, with extensive enclosures.
5. Handwritten notes of Paul Piszczek dated June 20, 2003.

6. Letter from William Ingham, Fish and Game Department, to Adele Fiorillo, NH Soil Consultants, dated July 9, 2003.
7. Letter from Deb Furino of Greenland to Dori Wiggin, DES Wetlands Bureau, dated July 14, 2003, with enclosed attachments A-H.
8. Letter from CLF to Paul Piszczek, June 24, 2003, requesting public hearing.
9. Internal Memorandum dated June 27, 2003 from Gregg Comstock to Paul Currier and Paul Piszczek regarding 401 WQC – Falls Way Subdivision.
10. Handwritten notes of Paul Piszczek dated July 1, 2003 regarding DES Wetlands Bureau hearing.
11. Letter from CLF to William Ingham, NH Fish & Game, July 15, 2003.
12. Water Quality Certificate #2003-001, issued July 17, 2003.
13. Letter from Paul Currier to CLF, July 17, 2003, denying public hearing.
14. Letter from CLF to DES Wetlands Bureau, July 17, 2003, with enclosures.
15. Letter from William Ingham to CLF, dated July 25, 2003.
16. Letter from CLF to Paul Piszczek, dated August 6, 2003.

In addition to the documents and witnesses listed herein, the state reserves its right to offer copies of statutes, rules, judicial decisions, and other similar legal materials, as well as any exhibit listed by any other party to this matter, and such other documents and witnesses as may be necessary for rebuttal or impeachment. The State reserves its right to amend or update this list in response to other parties' disclosures and rulings made by the presiding officer.

In offering this list of exhibits and witnesses, the State does not waive any privilege, including but not limited to attorney-client and attorney work product

privileges. Certain documents may be offered in redacted form due to their confidential nature. The State waives no defense or right to claim confidentiality under RSA 91-A or any other statute or common law privilege with respect to any document listed herein, or any testimony mentioned herein.


Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

Kelly A. Ayotte
Attorney General

Date: July 18, 2005


Jennifer J. Patterson
Senior Assistant Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, New Hampshire 03301
(603) 271-3679

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *State's Witness and Exhibit List* has on this 18th day of July 2005, been faxed and mailed first-class mail, postage prepaid, to counsel of record, Thomas F. Irwin, Esquire and Malcolm McNeill, Esquire.


Jennifer J. Patterson